## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

SAMUEL PENSAMIENTO,	)	
,	)	C.A. No. 18-10475-PBS
Petitioner,	)	
	)	
V.	)	
JOSEPH D. MCDONALD, JR.,	)	
Plymouth County Sheriff, et al.	)	
Flymouth County Sheriff, et al.	)	
Respondents.	)	
	)	

## NOTICE OF FILING OF TRANSCRIPTS OF IMMIGRATION COURT HEARINGS

Counsel for petitioner Samuel Pensamiento hereby provides the Court with transcripts of Mr. Pensamiento's two bond hearings in Immigration Court, which Mr. Pensamiento's counsel requested be prepared from audio tapes by an approved court transcriber at the court reporting firm O'Brien & Levine.

Consistent with the Immigration Judge's memorandum decision (filed herein as Docket No. 26-4), the transcripts confirm that the Immigration Judge required Mr. Pensamiento to bear the burden of proof in both hearings. *See* Feb. 13, 2018 Tr. at 7:14-18; Apr. 3, 2018 Tr. at 8:3-13. The transcript of the first hearing confirms that the standard of proof was "clear and convincing" evidence. *See* Feb. 13, 2018 Tr. at 7:14-18. Neither the transcript of the second hearing nor the resulting summary order specify the standard of proof applied. *See* Apr. 3, 2018 Order (Docket No. 26-3); Apr. 3, 2018 Tr. at 8:3-13 ("[T]he respondent has not established to the Court's satisfaction that he's not a danger to the community . . . ."). However, the Immigration Judge did not state that he had reconsidered or deviated from his prior ruling that Mr.

Pensamiento was required to present "clear and convincing" evidence, a ruling that the Immigration Judge had memorialized in writing just a week earlier. *See* March 27, 2018 Memorandum Decision (Docket No. 26-4) at 4.

May 3, 2018

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

I hereby certify that document was filed by the ECF system and will be electronically served on all registered participants.

/s/ Daniel L. McFadden
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